SPECIAL SESSION (JOINT PUBLIC HEARING) – 6:00 P.M.

A. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS – Mayor Cindy Siegel.

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 6:05 p.m. on Monday, September 17, 2007. The Bellaire City Council met at that time and on that date in Special Session with the Planning and Zoning Commission of the City of Bellaire, Texas, for the purpose of conducting a joint public hearing on revisions proposed by the Planning and Zoning Commission of the City of Bellaire, Texas, to Chapter 24, Planning and Zoning Regulations, Article X, Signs, of the Code of Ordinances of the City of Bellaire, Texas. The Special Session was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas. Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

- Councilman John F. Monday, Position No. 2;
- Mayor Pro Tem Peggy Faulk, Position No. 3;
- Councilwoman Debra Marz Davison, Position No. 4;
- Councilman Pat McLaughlan, Position No. 5; and
- Councilman John Jeffery, Position No. 6.

Councilman Will Hickman, Position No. 1, was absent. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, City Clerk Tracy L. Dutton, and Director of Community Development Derhyl Hebert.

B. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BELLAIRE, TEXAS – Chair Bill Thorogood.

Chair Bill Thorogood called the Planning and Zoning Commission of the City of Bellaire, Texas, to order at 6:06 p.m. on Monday, September 17, 2007. The Bellaire Planning and Zoning Commission met at that time and on that date in Special Session with the City Council of the City of Bellaire, Texas, for the purpose of conducting a joint public hearing on revisions proposed by the Planning and Zoning Commission of the City of Bellaire, Texas, to Chapter 24, Planning and Zoning Regulations, Article X, Signs, of the Code of Ordinances of the City of Bellaire, Texas. The Special Session was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire,
Texas. Chair Thorogood announced that a quorum was present consisting of himself and the following members of the Planning and Zoning Commission:

Vice Chair Michael Doyle;
Commissioner James P. Avioli, Jr.;
Commissioner Peter Boecher;
Commissioner Andrew S. Friedberg;
Commissioner Donna L. Rickenbacker; and
Commissioner Deborah Sharp.

C. READING OF NOTICE OF JOINT PUBLIC HEARING – City Clerk Tracy L. Dutton.

City Clerk Tracy L. Dutton read the “Notice of Joint Public Hearing” as follows:

Notice is hereby given that the City Council of the City of Bellaire, Texas, has called and will hold a joint public hearing before the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas, on Monday, September 17, 2007, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, at which time any and all persons desiring to be heard will be heard on or in connection with any matter or question involving all property located within the corporate limits of the City of Bellaire, Texas, that may be affected by the proposed revisions.

Any person requesting additional information regarding the subject of this hearing may contact the City of Bellaire, Texas, Department of Community Development, 7008 South Rice Avenue, Bellaire, Texas, during normal business hours prior to the hearing.

Specifically, proposed revisions have been made by the Planning and Zoning Commission of the City of Bellaire, Texas, to the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article X, Signs, for the purpose of adding new provisions and providing clarification thereto.

City Clerk Dutton advised that in the interest of time, the remainder of the “Notice of Public Hearing” would not be read, as such Notice included language for the entire Article X, Signs, as it would appear in Chapter 24, Planning and Zoning Regulations, of the Code of Ordinances of the City of Bellaire, Texas, if approved and adopted by the City Council of the City of Bellaire, Texas. Copies of the “Notice of Joint Public Hearing” were placed at the entrance to the Council Chamber. Additionally, City Attorney Alan P. Petrov and Planning and Zoning Commissioner Deborah Sharp prepared an Executive Summary of the revisions that were proposed for Chapter 24, Planning and Zoning Regulations, Article X, Signs, of the Code of Ordinances
of the City of Bellaire, Texas. Copies of the Executive Summary were also placed at the entrance to the Council Chamber.

City Clerk Dutton advised further that the “Notice of Joint Public Hearing” was published in the legal notices section of the Southwest News on Tuesday, August 28, 2007, and was posted on the City’s bulletin board and website on Friday, August 31, 2007. Signs advertising the joint public hearing were installed by the Bellaire Public Works Department on Friday, August 31, 2007, at the intersection of South Rice Avenue and Bellaire Boulevard and at the intersection of Bellaire Boulevard and Newcastle Drive.

The “Notice of Joint Public Hearing” has been appended hereto for the record and identified as “Appendix A” to these minutes. The referenced Executive Summary has also been appended for the record and identified as “Appendix B.”

D. SUMMARY OF JOINT PUBLIC HEARING PROCEDURE – City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., summarized the joint public hearing procedure for the evening as follows:

**During this evening’s joint public hearing, a brief presentation will be given by Chair Bill Thorogood of the Bellaire Planning and Zoning Commission (“Commission”), regarding revisions proposed by the Commission to the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article X, Signs, for the purpose of adding new provisions and providing clarification. The presentation will be limited to fifteen (15) minutes.**

At the conclusion of the presentation, the Commission and the City Council will have an opportunity to ask questions of Chair Thorogood regarding the proposed revisions.

At the conclusion of the question and answer session, the Mayor will recognize citizens or other interested parties who have completed the sign-in sheet prior to commencement of the meeting. Comments will be limited to four (4) minutes for each individual.

Following comments from citizens or other interested parties, the Mayor will close the joint public hearing. Public comment will not be received following the close of the joint public hearing. Written comments may be submitted to the Commission in care of their Administrative Secretary prior to final deliberation on the matter. Written comments may be submitted to City Council in care of the City Clerk prior to final deliberation on the matter. It is anticipated that final deliberation on the matter by the Commission will occur on Tuesday, October 9, 2007, and written comments to the Commission must
be submitted by noon on Thursday, October 4, 2007, in order to be considered for the record. It is anticipated that final deliberation on the matter by City Council will occur on Monday, October 15, 2007, and written comments to the City Council must be submitted by noon on Thursday, October 11, 2007, in order to be considered for the public record. The sign-in sheet and written comment sheets have been provided at the entrance to the Council Chamber.

E. PRESENTATION REGARDING REVISIONS PROPOSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BELLAIRE, TEXAS, TO THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS, CHAPTER 24, PLANNING AND ZONING REGULATIONS, ARTICLE X, SIGNS, FOR THE PURPOSE OF ADDING NEW PROVISIONS AND PROVIDING CLARIFICATION – Chair Bill Thorogood, Planning and Zoning Commission of the City of Bellaire, Texas.

INTRODUCTION

Mayor Cindy Siegel noted that approximately one year ago, the Planning and Zoning Commission of the City of Bellaire, Texas ("Commission") had held a public hearing on revisions they had proposed to Chapter 24, Planning and Zoning Regulations, Article X, Signs, of the Code of Ordinances of the City of Bellaire, Texas, and presented those revisions to the City Council of the City of Bellaire, Texas ("City Council"). City Council had some concerns and questions and sent the revisions back to the Commission and City Staff to work out the concerns. The document this evening reflected the resolution of those concerns. Since the Commission and City Council had held public hearings previously, it was agreed that a joint public hearing would be held on the current version of the proposed revisions.

Chair Bill Thorogood noted that Commissioner Deborah Sharp had performed all of the work on the current version, as well as the previous version, over the last two and one-half years and deserved a great deal of credit, as did City Staff. He then introduced Commissioner Sharp to give a presentation of those revisions to City Council, the Commission, and the audience.

PRESENTATION

Commissioner Deborah Sharp advised that she had been studying, researching, and deliberating the City’s sign ordinance over the last two years. Her presentation this evening was made on behalf of the entire Commission.
Purpose of Sign Ordinance

Commissioner Sharp noted that communities depended on effective signage. Signage served many practical uses, such as way finding, advertising and promotion, and communication. The City’s sign ordinance was updated eleven years ago in 1996 and was intended to provide uniform standards that would promote a positive image for the City. The sign ordinance did so by reflecting order, harmony, and pride. The sign ordinance also strengthened the economic stability of the business, cultural, and residential areas.

Objectives for Sign Ordinance

The objectives identified by the Commission for the sign ordinance were noted as follows:

- Clear identification of business, residential, and public uses;
- Assurance of compatibility between the sign’s scale, the site, and surrounding area; and
- Assurance of safety in sign design and construction.

Goals for Revision

Commissioner Sharp noted that the active redevelopment seen in Bellaire and the advances in sign technology had strained the interpretation and enforcement of the current ordinance. With that in mind, the Commission developed goals to accomplish in preparing their revisions to the sign ordinance. Those goals were identified as follows:

- Minimization of ambiguity in the ordinance language;
- Simplification of the interpretation by the public and the City;
- Increase in the consistency of the enforcement; and
- Close of identified gaps.

Revision Chronology

Commissioner Sharp indicated that in May of 2005, a Committee was formed by the Commission to study the best practices of other communities with respect to sign ordinances. The Committee met with the then City Staff and received legal counsel along the way. The Commission believed as a whole that the sign ordinance needed clarification and that some new provisions were in order as well.

The Commission held their first public hearing in February of 2006. Four citizens made comments during that public hearing and two written comments were received. Between the February hearing and October of 2006, the Commission met with City Council on two occasions and presented...
the revisions at City Council’s public hearing and a subsequent Joint Workshop Session.

As a result of the Joint Workshop Session, some concerns regarding enforcement were brought to light by City Staff. City Council then charged City Staff to go back and look at the proposal in order to resolve any concerns.

The Commission received City Staff’s revisions in March of 2007. Since that time, the Commission and City Staff had worked together to produce a joint recommendation.

**Summary of Revisions**

Commissioner Sharp summarized the revisions made by the Commission. She indicated that Article X was rewritten to reduce ambiguity. A table of contents was added and topic taglines were included. Additionally, two tables were included that outlined permitted uses for businesses and institutions by zoning district. The proposed revisions focused mainly on what was allowed. In most cases, exception statements and special provisions throughout the current ordinance were eliminated.

Two sections that included definitions for signs and requirements for signs were combined into one new section that was alphabetized and represented a “one-stop shop” for signs.

Some new definitions were added for 1) fully shielded light fixture, 2) nonconforming sign, 3) scoreboard signs, and 4) temporary signs (i.e., promotional, community event, and community service). Other definitions were clarified, as follows: 1) time/temperature signs; 2) visibility triangle; and 3) pole signs.

The Commission modified a few sign dimensions. For example, residential and institutional development sign dimensions were increased from an eight-foot height to a ten-foot height. This would accommodate a sheet of plywood installed two feet off of the ground.

Tables were created for permitted signs for businesses and institutions. The tables included the number of permitted signs, area, height, and setbacks by zone. The tables served as a useful guide for the public.

Additionally, a new provision was added for sign illumination. The new provision specified the type of lighting allowed in various zoning districts. In the non-residential districts, sign illumination remained the same. In other words, externally or internally illuminated signs were allowed. In the residential districts, the proposed revision required that institutional signs located in residential districts be externally illuminated only. Industry
standards were also specified for the type of illumination, such as fully shielded light fixtures. The intent of the criteria was to address spillage and glare in the residential areas. The criteria were based upon standards developed for Hilton Head, South Carolina, as their lighting ordinance was considered a “gold standard.”

A new provision was added for scoreboards, as athletic scoreboards were not addressed in the City’s current ordinance and, therefore, were not easily regulated. The proposed revision defined a scoreboard as a “sign” and stipulated that it could have a maximum overall height of twenty-five feet from ground level. The size of the scoreboard was linked to the size of the associated playing field. The proposal would allow one square foot of scoreboard area per one linear foot of playing field. Donor signs associated with scoreboards were also controlled both in size and location. The size for donor signs was tied to the length of the playing field as well. Donor signs could be no greater than .025 square feet per one linear foot of playing field. The donor sign must be affixed to the support structure underneath the scoreboard. The scoreboard and donor sign lighting and changeable copy were also addressed in the proposed revisions, which specified that both could only be lit when games were being played on the field.

Lastly, procedures for removal of signs with compensation to the owner were added to bring the ordinance into conformance with the Texas Local Government Code, Chapter 216. The procedures provided the City with a workable mechanism to remove signs even if grandfathered or nonconforming. It established a Council-appointed Board of Sign Control that assessed the level of compensation to be given for the removal of such signs.

Recommendation

In conclusion, the Commission believed that the proposed restatement of Chapter 24, Planning and Zoning Regulations, Article X, met all of the goals that the Commission set out to accomplish. It was the Commission’s belief that ambiguity was greatly reduced, the gaps were closed, that the restatement was easier to read, and that enforcement would be simpler and more consistent. The Commission was recommending that City Council approve the revocation of the existing Chapter 24, Planning and Zoning Regulations, Article X, Signs, of the Code of Ordinances of the City of Bellaire, Texas, and replace it with the new, proposed restatement.

F. QUESTIONS FROM MEMBERS OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BELLAIRE, TEXAS – Chair Bill Thorogood.

Chair Bill Thorogood, after noting that there were no questions from the Planning and Zoning Commissioners, turned the meeting back over to Mayor Cindy Siegel.
G. QUESTIONS FROM THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS – Mayor Cindy Siegel.

{Legend: Q – Question; A – Answer; C – Comment; R – Response}

Q: Mayor Cindy Siegel asked for confirmation from City Manager Bernard M. Satterwhite, Jr., that City Staff felt the proposed revisions could be implemented and enforced.

A: City Manager Bernard M. Satterwhite, Jr., advised that City Staff fully supported the proposed revisions.

Q: Councilman John F. Monday referred to page 12 of 19, Section 8, Prohibited Signs. He inquired as to how the Commission developed the exception wording, noting the use of the term “typical vehicular signage.” He also inquired as to the definition of “typical vehicular signage.”

A: Commissioner Deborah Sharp stated that prohibited signs were not included in the first revision presented to City Council one year ago. This was one of the things that City Staff and the Commission came together on, as it was one of the outstanding issues and concerns. City Staff believed strongly that the prohibited signs language needed to be retained. Commissioner Sharp believed that the language was exactly what existed in the current ordinance.

Q: Councilman Monday noted that the intent of the revisions was to provide clarity and avoid confusion. His question was related to an ambulance that had been parked for some time on Pine Street. He asked if the Commission’s discussion addressed encapsulating a vehicle with graphics that turned it into a mobile billboard that was then parked in a residential district. He asked if this were an exception that the Commission intended to focus on.

A: Commissioner Deborah Sharp stated that it was her understanding the type of vehicles Councilman Monday referred to were cited when they appeared to be static and not moving. If the owner of the ambulance moved that vehicle on a daily basis, then it was okay. If it were parked there forever, it would be a violation of the intent of the ordinance.

Q: Councilman Monday referred to the sign located at Crosspoint Church on Bellaire Boulevard and inquired as to whether that sign was considered or defined as “internally illuminated” or “externally illuminated.”
A: Commissioner Sharp indicated that the current ordinance identified the Crosspoint Church sign as a permitted sign. If City Council approved the revision, the Crosspoint Church sign would no longer be permitted in a residential area. The sign was considered internally lit. In areas where residences might be located, only externally lit, fully shielded signs were permitted.

Q: Councilman Monday asked for confirmation that an internally lit sign would be permitted in areas where residences were not located.

A: Commissioner Sharp advised that the Commission did not tackle business district lighting.

Q: Mayor Siegel referred to the scoreboard provision and inquired as to whether the proposed standard still allowed visibility for those attending games with respect to the scoreboard and donor signs.

A: Commissioner Sharp advised that Mayor Siegel was correct.

Q: Councilman Pat McLaughlan referred to signage that could be installed on a home construction site and asked for confirmation that the sign could be ten feet tall (four feet by eight feet in dimension, two feet off of the ground).

A: Commissioner Sharp stated that there were only a few uses for the particular sign dimension that Councilman McLaughlan referred to. One was for a residential development sign (i.e., planned community), an institutional development sign, or a business entity for sale sign. That type of sign could not be installed in front of an individual home.

Q: Councilman McLaughlan inquired as to how a residential development would be defined versus new home construction.

A: City Attorney Alan P. Petrov advised that multiple units would be required before a property was considered a “residential development.”

Q: Councilman McLaughlan stated that, on the surface, he was concerned that the signage might be allowed for construction of a new residential home unless the definition was clear.

A: Commissioner Sharp read the definition for a residential development sign as follows: a sign displaying information relating to the construction and identity of a new residential development. Additionally, she read that such sign had to be removed promptly upon the first sale of the last residential unit to be sold at such a site.
Q: 

Councilman McLaughlan noted that Commissioner Sharp indicated that the current effort by the Commission did not include signage located in business districts.

A: 

Commissioner Sharp advised that the lighting only for signage in the business district was not addressed.

Q: 

Councilman McLaughlan commented that he was worried about the possibility of some very bright signs being installed in the commercial areas of Bellaire. He referred specifically to very bright red LED signs that could be seen from a great distance. Since this type of signage could have a negative effect on the redevelopment or quality of Bellaire’s business area, he inquired as to whether the proposed ordinance addressed such signs.

A: 

Commissioner Sharp advised that the type of signs referred to by Councilman McLaughlan were prohibited in areas where residences were located, but not in the business areas.

Q: 

Councilman McLaughlan inquired as to whether there was a reason the business area was not addressed in this particular effort by the Commission.

A: 

Commissioner Sharp advised that the Commission only bit off what could reasonably be addressed at one time. There was a feeling that the business district should be reviewed as a whole as part of the Comprehensive Plan Review. She noted that this was not a static document and additional requirements could be added.

Q: 

Councilman McLaughlan asked Mayor Siegel if the Commission could be asked to look at that issue down the road.

A: 

Mayor Siegel advised that Councilman McLaughlan could bring up that suggestion when City Council started its deliberation of the current revisions before them.

Q: 

Councilman McLaughlan agreed with Mayor Siegel. He referred to a definition that he had difficulty understanding. That definition was a fully shielded light fixture. He also inquired as to whether the understanding was great enough to allow for enforceability.

A: 

City Attorney Petrov noted that the definition Councilman McLaughlan referred to was the subject of a great deal of research. While he was not qualified to tell anyone what a fully shielded light fixture was, the definition included standards taken from the industry. He did not feel that there was a problem with the industry determining such guidelines.
City Manager Satterwhite stated that City Staff was comfortable with the definition and worked with industry on such signs.

Q: Councilman McLaughlan asked if the City knew what the acronym “IDA” stood for.

A: City Manager Satterwhite advised that he personally did not, but City Staff did.

Q: Councilman Monday asked if it would be advisable to add a statement as to the intent of fully shielded light fixtures so as to clarify that definition further.

A: City Attorney Petrov agreed with Councilman Monday.

Q: Councilman McLaughlan asked for confirmation that City Manager Satterwhite and City Attorney Petrov were confident that the definition was written in such a way that it was understandable and enforceable by City Staff who would be called upon to address it.

A: City Manager Satterwhite stated that it was written in the only way that City Staff could enforce it. If the City tried to come up with its own standards, then industry might have a difficult time with it.

Q: Councilman John Jeffery inquired as to how the sizes were derived for the scoreboard provisions. In other words, were industry standards followed in this case as well?

A: Commissioner Sharp stated that the Commission looked at the current inventory of scoreboards in the City to determine an appropriate ratio. This was a suggestion of then Code Enforcement Officer Chris Magisano (currently Assistant Director of Community Development) and agreed to by the Commission.

Q: Councilman Jeffery inquired as to whether all scoreboards in the City were compliant if the “donor” portion of the scoreboard were not considered.

A: Commissioner Sharp advised that Councilman Jeffery was correct.

Q: Councilman Jeffery asked for confirmation as to when scoreboards and donor signs could be lit.

A: Commissioner Sharp advised that the scoreboards could be lit during athletic events.
Q: Councilman Jeffery referred to signs in residential yards regarding soccer and baseball (which represented fundraising activities for many organizations), and noted that he had not seen regulations for those signs in the proposed revision.

A: Commissioner Sharp stated that the Commission had not looked at those types of signs.

City Manager Satterwhite stated that those types of signs did not require permits and that there were limitations on those types of signs in the ordinance.

Q: Councilman Jeffery inquired as to the number of such signs that were allowed.

A: City Manager Satterwhite indicated that there were stipulations in another part of the zoning code.

City Attorney Petrov advised that the sign ordinance did not speak to such signs one way or the other.

Q: Mayor Siegel asked if such signs would be allowed if the code were silent regarding the signs. She also asked if those signs would be considered “temporary signs.”

A: City Attorney Petrov indicated that in general, if signs were not specified, then the signs were not permitted. He advised that he would look at the temporary and event sign section to see if such signs came under that heading. He would let both the Council and Commission know of his finding.

H. RECOGNITION OF CITIZENS AND/OR OTHER INTERESTED PARTIES – Mayor Cindy Siegel.

Roger Patterson, 4607 Maple Street, Bellaire, Texas:

Mr. Patterson addressed City Council and the Commission and noted that he was the Associate Pastor of Crosspoint Church Bellaire. He provided the Council and Commission with a handout that included his contact information, a copy of the permit Crosspoint Church Bellaire received for their sign located at 4601 Bellaire Boulevard issued on January 7, 2005, a letter he wrote on March 7, 2006, to the Commission, and minutes from the May 2005 Commission meeting.

He read an excerpt from the Commission minutes dated May of 2005 as follows: During workshop six weeks ago, it was decided that there was no recourse that could be taken to address sign on Bellaire Boulevard, in front of
Crosspoint Church, but idea was all sign ordinances could be consolidated, for more efficient organization.

Mr. Patterson advised that as a church and residents of Bellaire, the congregation for Crosspoint Church was supportive of updating the ordinances as were needed. As the congregation looked at the minutes of public record from May of 2005, Mr. Patterson believed that those minutes demonstrated that someone on the Commission did not like the sign in front of Crosspoint Church that was permitted legally. As a result, the Commission had gone through a two-year process to create language so that the sign could still be removed.

Crosspoint Church wanted the City Council to know that they opposed this legislation. The attorneys for Crosspoint Church submitted a letter to the City Council and City Attorney Alan P. Petrov on September 27, 2006, related to their concerns and proposed a Memorandum of Understanding regarding the revisions.

Mr. Patterson continued and referred to language added for nonconforming signs that would appear that Crosspoint Church’s sign would be grandfathered or nonconforming. Yet, in the Executive Summary handed out this evening, Section 24-1011 indicated that the City would be provided with a workable mechanism to remove signs previously grandfathered or permitted. Also, in the provision of the ordinance there was the creation of a Board of Sign Control. In Mr. Patterson’s opinion, as well as the opinion of Crosspoint Church, City Council would abdicate their responsibility to a group who then had the power to go and remove the sign with or without compensation. This was unjust given that Crosspoint Church had followed the rules and the regulations. Crosspoint Church further believed that such a regulation invited litigation to the City of Bellaire. As a resident of Bellaire, Mr. Patterson did not prefer for his tax dollars to go toward fighting lawsuits from organizations that had followed properly specified rules and regulations.

{The speaker’s allotted time ended at this point in the meeting}

Wayne Alderman, 4604 Evergreen Street, Bellaire, Texas:

Mr. Alderman addressed City Council and the Commission on behalf of Faith Lutheran American Church at 4600 Bellaire Boulevard, Bellaire, Texas. Mr. Alderman currently served on the Church Council. He noted that hundreds of their members were citizens and voters in Bellaire. Faith Lutheran American Church elected to send one member of their congregation, Mr. Alderman, this evening as their representative.
The congregation had held a series of meetings related to updating their facility and enhancing their presentation in the City. Many of the members were impressed with the new sign located in front of Crosspoint Church. All of the comments from members had been positive and indicated that the sign was a very attractive way to get the message out. The reaction was so positive that discussions had been held regarding proceeding with a similar sign. It was their understanding that the proposed sign ordinance would not allow that type of sign anymore. It was also their understanding that the proposed sign ordinance would not allow any type of changeable messages or copy by either electronic or manual means.

Faith American Lutheran Church served the Bellaire community through service programs every day of the week involving dozens of organizations. The Church had lots of 12-step groups, a Palmer Drug Abuse Program serving young people, youth programs, theatrical groups, music groups, etc. Unfortunately, the residents of Bellaire were not aware of all of the programs, opportunities, and activities that might be available to them. The problem was getting the word out that such opportunities were offered.

Faith American Lutheran Church found the Crosspoint Church sign to be a very practical, attractive, and understated way to help get the message out in service of the community. It was felt that the City was using a very arbitrary and debatable judgment as to what was aesthetic to prevent or cloud a greater mission, which was trying to get a message out to serve the Bellaire community.

Mr. Alderman advised that he had not heard a negative comment or word about the Crosspoint Church sign. In summary, Faith American Lutheran Church was asking the City to revise the proposal to allow message boards for institutions and schools in the spirit of public service. He realized that much of Bellaire Boulevard was considered residential, but internally illuminated signs were entirely appropriate for a thoroughfare that had tens of thousands of vehicles going by on a given day.

Mr. Alderman also noted that the City was not grandfathering many of the institutional signs for schools, as every school in town had a message board. Parents usually relied on such community boards to get the word out. He urged City Council to rethink message boards in relation to churches and schools.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and the Commission noting that after two and one-half years of the City Council not wanting and not understanding a
sign ordinance change, she was present to urge City Council to pass it. The proposed revisions were imperfect as most ordinances were, but it needed to be passed. If City Council did not pass it, they would be negligent. She noted that the Commission had spent more hours working on these revisions in the last two and one-half years because the City Council kept bouncing it back.

She suggested that the government needed as much regulation as the citizens did. There was no reason in the world for the Commission not to include everything the City did, whether it related to signs or lights or anything else. The City should not be exempt.

With respect to the definitions, there would be two sets in the Zoning Code as a whole. She crosschecked the definitions in Article X with the master set in Section 24-201 of the Zoning Code and noted that some had been duplicated and some were new. She presented a handout to the City Council and Commission that included some definitions to be added as follows: commercial vehicle, district, and height (in terms of illumination). With respect to signs and billboards she wished to ensure that those definitions included wording related to electronic, digital, or changeable copy.

The State of Texas had mandated that if a City wanted to remove a sign that a determination had to be made as to whether compensation was necessary even though some of the nonconforming pole signs were 30 or more years old. The only thing she would ask the Commission to clarify was that the City would now, for the first time, follow the State Board of Sign Control for compensation purposes and would also have a Board of Adjustment hearing available for variances and special exceptions. Some time needed to be spent with the City Attorney clarifying those two paths.

With respect to the two tables, a welcome addition in terms of organizing information, she recommended that the tables be changed to label the categories A, B, C, and D (with subsets below) so that they were a little clearer and more understandable.

In closing, Ms. McBee stated that she hoped City Council would get these revisions taken care of while she was still alive. Those who had dragged this out because they did not like one piece or another had done the City a total disservice. She hoped City Council would take to heart the suggestions she had made. She thanked the Commission for all of the work they had done.

I. CLOSE OF JOINT PUBLIC HEARING – Mayor Cindy Siegel.

Mayor Cindy Siegel announced that the joint public hearing before the City Council and the Commission was closed at 7:00 p.m. on Monday, September 17, 2007. As was stated by the City Manager, there was still time to submit written comments. To submit comments to the Commission
prior to their final deliberation on Tuesday, October 9, 2007, those comments should be submitted in writing to the Administrative Secretary in the Community Development Office by noon on Thursday, October 4, 2007, in order to be considered for the record.

To submit comments to City Council prior to their final deliberation on Monday, October 15, 2007, those comments should be submitted in writing to the City Clerk by noon on Thursday, October 11, 2007, in order to be considered for the record.


MOTION TO ADJOURN:

A motion was made by Vice Chair Michael Doyle and seconded by Commissioner Andrew S. Friedberg to adjourn the Special Session (Joint Public Hearing) of the Planning and Zoning Commission of the City of Bellaire, Texas, at 7:00 p.m. on Monday, September 17, 2007.

VOTE ON MOTION TO ADJOURN:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Thorogood, Bill
      Doyle, Michael
      Avioli, James P., Jr.
      Boecher, Peter
      Friedberg, Andrew S.
      Rickenbacker, Donna L.
      Sharp, Deborah

OPPOSED: None

ABSENT: None


MOTION TO ADJOURN:

A motion was made by Councilman John Jeffery and seconded by Councilman Pat McLaughlan to adjourn the Special Session (Joint Public Hearing) of the City Council of the City of Bellaire, Texas, at 7:01 p.m. on Monday, September 17, 2007.
VOTE ON MOTION TO ADJOURN:

Motion carried unanimously on a 6-0 vote as follows:

FOR: Siegel, Cindy
     Monday, John F.
     Faulk, Peggy
     Davison, Debra Marz
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: Hickman, Will

Respectfully submitted,

Tracy L. Dutton, TRMC
City Clerk
City of Bellaire, Texas

Approved:

_______________________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas

Approved:

_______________________________________
Bill Thorogood, Chair
Planning and Zoning Commission
City of Bellaire, Texas